

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LASHUNDRA JACKSON,

Plaintiff,

V.

**STATE OF ALABAMA DEPARTMENT OF
TRANSPORTATION, JOE MCINNES, *etc.*,**

Defendants.

CASE NO. 2:07-cv-645-MEF

**THIRD SUPPLEMENTAL EVIDENTIARY MATERIALS IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants State of Alabama Department of Transportation (hereinafter “ALDOT”) and Joe McInnes submit the following evidentiary materials in support of their previously filed Motion for Summary Judgment (Doc No. 16), their Reply to Plaintiff’s Response in Opposition (Doc No. 23) to Defendants’ Motion for Summary Judgment, and their Reply to Plaintiff’s Sur-Reply in Opposition (Doc. No. 29) to Defendants’ Motion for Summary Judgment, which is being filed contemporaneously herewith:

DEFENDANTS' EXHIBITS

33. E-mail correspondence between counsel, dated March 6, 2008, and screenshot of Microsoft *Excel* spreadsheet.

RESPECTFULLY SUBMITTED

s/ Andrew W. Redd
Jim R. Ippolito, Jr. (IPP001)
Chief Counsel

Andrew W. Redd (RED001)
Assistant Counsel

ADDRESS OF COUNSEL:

State of Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36110
Telephone: (334) 242-6350
Facsimile: (334) 264-4359
reda@dot.state.al.us

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LASHUNDRA JACKSON,)	
)	
Plaintiff,)	
v.)	
)	CASE NO. 2:07-cv-645-MEF
STATE OF ALABAMA DEPARTMENT OF)	
TRANSPORTATION, JOE MCINNES, <i>etc.</i>,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I hereby certify that, on **July 10, 2008**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system, which will send notification to the following:

Mr. Kell A. Simon, Esq.
Ross Melton, P.C.
1104 San Antonio Street
Austin, Texas 78701
ATTORNEY FOR PLAINTIFF

s/ Andrew W. Redd
Andrew W. Redd (RED001)
Assistant Attorney General
Assistant Counsel

ADDRESS OF COUNSEL:
State of Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36110
(334) 242-6350 (office)
(334) 264-4359 (facsimile)
reda@dot.state.al.us

Redd, Andrew W.

From: Redd, Andrew W.
Sent: Thursday, March 06, 2008 11:56 AM
To: 'Kell Simon'
Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. / Defendants' Responses to Plaintiff's First Interrogatories and

There may be a couple of other documents which I will also re-send.

-----Original Message-----

From: Kell Simon [mailto:ksimon@rosslawpc.com]
Sent: Thursday, March 06, 2008 11:31 AM
To: Redd, Andrew W.
Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. / Defendants' Responses to Plaintiff's First Interrogatories and

Andy -

I have received four e-mails from you with attachments:

7187
53025
37467
Math placement test results

Is that everything?

Kell

-----Original Message-----

From: Redd, Andrew W. [mailto:reda@dot.state.al.us]
Sent: Thursday, March 06, 2008 10:14 AM
To: Kell Simon
Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. / Defendants' Responses to Plaintiff's First Interrogatories and

I just sent an e-mail with attachment 78187. Please let me know if this came through ok. If so, I'll send all again.

AWR

We have correct address. I'll try to send the materials again.

AWR

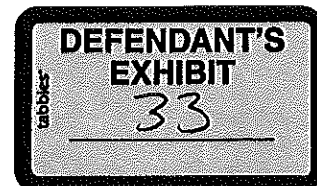
-----Original Message-----

From: Kell Simon [mailto:ksimon@rosslawpc.com]
Sent: Thursday, March 06, 2008 10:07 AM
To: Redd, Andrew W.
Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. / Defendants' Responses to Plaintiff's First Interrogatories and

I didn't get anything from you or anyone else at ALDOT yesterday. Is it possible that you had my old email address from Birmingham? I did just get some emails from you with attachments though.

-----Original Message-----

From: Redd, Andrew W. [mailto:reda@dot.state.al.us]
Sent: Thursday, March 06, 2008 9:37 AM
To: Kell Simon



Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. /
Defendants' Responses to Plaintiff's First Interrogatories and

Could be, as some were large. We are going to divide up the larger ones and resend today.
Did you get anything? Some of the attachments were small.

AWR.

-----Original Message-----

From: Kell Simon [mailto:ksimon@rosslawpc.com]
Sent: Thursday, March 06, 2008 9:33 AM
To: Redd, Andrew W.
Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. /
Defendants' Responses to Plaintiff's First Interrogatories and

Hi Andy -

I have not gotten the documents by e-mail.

It is possible that they were blocked if the attachments were too large.

How many pages (or mb) were the attachments? Kell

-----Original Message-----

From: Redd, Andrew W. [mailto:reda@dot.state.al.us]
Sent: Thursday, March 06, 2008 9:26 AM
To: Kell Simon
Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. /
Defendants' Responses to Plaintiff's First Interrogatories and

Kell:

We sent documents out via e-mail attachments yesterday afternoon. Please check e-mail and
advise.

AWR.

-----Original Message-----

From: Kell Simon [mailto:ksimon@rosslawpc.com]
Sent: Thursday, March 06, 2008 8:50 AM
To: Redd, Andrew W.
Subject: RE: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. /
Defendants' Responses to Plaintiff's First Interrogatories and

Andy -

Are you going to send me those documents?

If I don't get them by noon tomorrow, I won't be able to go forward with the deposition
next Wednesday, as I'm leaving on Monday morning to go to Alabama. Please let me know when
I can expect them. Thanks. Kell

-----Original Message-----

From: Redd, Andrew W. [mailto:reda@dot.state.al.us]
Sent: Thursday, November 08, 2007 11:48 AM
To: ksimon@rosslawpc.com
Subject: Jackson, LaShundra: LaShundra Jackson v. ALDOT; Joe McInnes, etc. / Defendants'
Responses to Plaintiff's First Interrogatories and

Defendants' Responses to Plaintiff's First Interrogatories and Requests for Production of
Documents SIGNED

Please excuse the delay in this matter. I will be out of the country beginning on Monday,
Nov. 12 through Nov. 25. Jason Trippe trippe@dot.state.al.us is working on this case
with me if you need anything.

AWRedd

Redd, Andrew W.

From: Redd, Andrew W.
Sent: Thursday, March 06, 2008 9:48 AM
To: 'Kell Simon'
Subject: 2 27 2008 Math Placement Test Results for Vince.xls
Attachments: 2 27 2008 Math Placement Test Results for Vince.xls

7/8/2008

Microsoft Excel - 2 27 2008 Math Placement Test Results for Vince.xls [Read-Only]						
File Edit View Insert Format Tools Data Window Help Adobe PDF						
100%						
Reply with Changes... End Review...						
Arial 11 B I U						
D15 Algebra Placement Test						
	A	B	C	D	E	
1	ID	Name	DOE	Descr	Test Date	Pas
2	001279	Fuller,Anthony M	8/12/2002	Basic Math Placement Test	2002-09-19	f
3	001279	Fuller,Anthony M		Algebra Placement Test	2002-09-19	f
4	001279	Fuller,Anthony M		Geometry Placement Test	2002-09-19	f
5	001279	Fuller,Anthony M		Trigonometry Placement Test	2002-09-19	f
6	001422	Ganey,Patrisha J	8/12/2002	Basic Math Placement Test	2002-09-19	\
7	001422	Ganey,Patrisha J		Algebra Placement Test	2002-09-19	f
8	001422	Ganey,Patrisha J		Geometry Placement Test	2002-09-19	f
9	001422	Ganey,Patrisha J		Trigonometry Placement Test	2002-09-19	f
10	001424	Nicholas III,Warren H	8/12/2002	Basic Math Placement Test	2002-09-19	\
11	001424	Nicholas III,Warren H		Algebra Placement Test	2002-09-19	\
12	001424	Nicholas III,Warren H		Geometry Placement Test	2002-09-19	f
13	001424	Nicholas III,Warren H		Trigonometry Placement Test	2002-09-19	f
14	001425	Weaver,Mary K	8/12/2002	Basic Math Placement Test	2002-09-19	\
15	001425	Weaver,Mary K		Algebra Placement Test	2002-09-19	\
16	001425	Weaver,Mary K		Geometry Placement Test	2002-09-19	\
17	001425	Weaver,Mary K		Trigonometry Placement Test	2002-09-19	f
18	001522	Brown,Joel W	9/23/2002	Basic Math Placement Test	2002-10-21	\
19	001522	Brown,Joel W		Algebra Placement Test	2002-10-21	f
20	001522	Brown,Joel W		Geometry Placement Test	2002-10-21	f
21	001522	Brown,Joel W		Trigonometry Placement Test	2002-10-21	f
22	001501	Fletcher,Debra	9/21/2002	Basic Math Placement Test	2002-10-21	\
23	001501	Fletcher,Debra		Algebra Placement Test	2002-10-21	f
24	001501	Fletcher,Debra		Geometry Placement Test	2002-10-21	f
25	001501	Fletcher,Debra		Trigonometry Placement Test	2002-10-21	f
26	001479	Jackson,Melvin	9/23/2002	Basic Math Placement Test	2002-10-29	\
27	001479	Jackson,Melvin		Algebra Placement Test	2002-10-29	f
Placement Test / BM Alg Class / All Math Classes /						
Ready						
Start Inbox - Micro... 4 ProLaw Fi... Adobe Acrob... ALDOT - CP... Falzone						

Mike Falzone

7/8/2008